largely superseded the Bertillon system in police work. It requires, however, study and experience as well as intelligence in operation. An American, Dr. H. H. Wilder, has proposed the extension of the observations to the palm of the hand and to the sole of the foot. The advantage of this is that the variation in these surfaces is greater and the details larger and more obvious. His system is described in two articles in the *Popular Science Monthly*, "Scientific Palmistry," Vol. 62, page 41, and "Palm and Sole Impressions," Vol. 63, page 385. From the scientific standpoint, therefore, finger prints offer strong evidence of identity, though only properly available in trials through expert testimony. E. L.

Trial by Newspapers.

One of the acknowledged evils in the administration of the criminal law in America is the unbridled license of the press in commenting upon and often trying in advance cases in the public prints. In England it has long been a serious contempt of court to publish during the course of a trial an opinion as to the guilt or innocence of the accused, or other statements calculated to prejudice the case. In the recent case of the London *Chronicle*, whose editor was fined $1,000 for publishing certain statements in regard to Crippen, the King's Bench Division extended the rule so as to cover publications made not only during the course of the trial, but statements published any time after the accused has been taken into custody.

One of the statements complained of was that a sensational discovery had just been made that a deadly poison had been purchased some time before Mrs. Crippen's death, and the police were investigating the purchase and the identity of the purchaser. The other was, in effect, that Crippen, who was then in Canada, had confessed to having killed his wife, but denied that the act was murder. No suggestion was made in the dispatch that it was Crippen who had bought the poison. Moreover, the editor of the *Chronicle* was away on a holiday at the time of publication, and though technically liable for the offense, was in fact entirely innocent. Every effort had been made by the assistant editor to verify the truth of the dispatches from Canada, and the chief editor expressed great regret for what had happened. The defense contended that on the date of the publication, namely, August 5, legal proceedings had not begun against Crippen, and hence there could have been no contempt of court. This proposition was denied by Mr. Justice Darling, who said: "To say after a magistrate had performed a judicial act and

issued a warrant upon a sworn information under which a person was in custody, that no proceedings were pending and that any one was at liberty to say what he liked about the matter would be to narrow the jurisdiction of the court very greatly. If that were the law, a prisoner or his friends could easily take steps to bring the whole prosecution to a futile end.

"In the present case, after the man was in custody, the newspaper commented upon the case as to whether he had committed the crime, not to assist in unraveling the case. It was merely an attempt to minister to the idle curiosity of people as to what was passing within the prison before the trial took place." This was a very grave contempt, said the court, and nothing more calculated to prejudice a defense could be imagined. It was most important that the administration of justice should not be hampered and that trial by newspaper should not be substituted for trial by jury.

Commenting on this case, the editor of *Green Bag* remarks that in this country the power to punish such offenses is rarely exercised, but it pertinently adds: "A few heavy fines might do something toward lessening the abuse of the trial of cases in advance of the actual determination of the merits, by our great metropolitan press, and would lend increased dignity to the administration of the criminal law in this country."

Many members of the bar in this country have complained of the evil referred to, and bar associations here and there have suggested remedies. Mr. Samuel Untermeyer, in a recent address before the American Academy of Political and Social Science at Philadelphia, declared that the abuse was most prejudicial to the rights of the defendant and was a prolific source of the miscarriage of justice. It creates, he said, a sentiment in the community as to the guilt or innocence of the accused, which makes it well nigh impossible to secure an impartial jury, and the atmosphere and sentiment thus created affect not only the jury, but the courts as well. Mr. Untermeyer suggests the enactment of laws similar to those in England, prohibiting newspapers from publishing anything concerning a case in court other than a *verbatim* report of the proceedings in open court; prohibiting newspapers from commenting, either editorially or otherwise, upon the evidence until after final judgment, and forbidding, under penalty of removal and fine, any prosecuting officer from expressing or suggesting for publication an opinion as to the guilt or innocence of an accused person, or from disclosing the proceedings of a grand jury, or from publishing any evidence in his possession bearing upon any case which he is prosecuting.

We call the attention of the readers of the JOURNAL also to what Judge Lawlor says on the subject in his article in this number. Such legislation as he and Mr. Untermeyer suggest must commend itself to all men who desire to see criminal cases determined by jurors whose minds are uninfluenced by newspaper opinion. J. W. G.

THE ADMINISTRATION OF THE LAW AS THE LAYMAN SEES IT.

In a recent address before the New Jersey Bar Association, its president, Mr. Samuel Kalisch, defended the common law rule of judicial procedure as the perfection of reason and the collective wisdom of the ages. "A more complete, wise and excellent structure of criminal legal procedure than that furnished by the common law for the protection and security of the individual and the punishment of evildoers is," he says, "not to be found in the code of any nation upon the face of the earth. It does not contain a single requirement that has not been the direct result of the experience of ages."

It may well be questioned whether our experience justifies this somewhat extravagant praise of common law procedure. In our judgment, much of it is worn out and unsuited to the conditions under which we now live. Long ago, a large part of it was abandoned for more modern methods by the country where it originated, and is tolerated in America largely because it was inherited from England and has the sanction of long usage. But everywhere there is a crying demand for a more efficient, simple and modern system. Jurists like President Taft, Justice Brown, and others who have a right to speak on such matters, have declared that in many parts of our country the existing procedure for the punishment of criminals has perilously near broken down. This is the opinion of intelligent laymen almost without exception. But Mr. Kalisch tells us that the opinions of laymen are false and erroneous, because they "view the administration of the law from a place too far removed for accurate observation." Only "we of the inner circle," he says, are entitled to have opinions on questions connected with the administration of criminal law. We readily admit that there are many fine points of criminal procedure upon which the majority of laymen are not fitted to express opinions, but upon general principles and results the views of intelligent laymen are entitled to respect. We fear the members of the bar too often underestimate the value of lay opinion in such matters. When weeks and months are required to select juries, when years intervene between the arrest of